

Message Text

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62

ORIGIN OPIC-06

INFO OCT-01 NEA-09 ISO-00 EB-07 L-02 AID-05 COME-00 TRSE-00

/030 R

DRAFTED BY OPIC/GC:CHUNT

APPROVED BY EB/IFD/OIA:RJSMITH

OPIC/D:EBURTON

L/EB:SBOND

OPIC/ID:GMORGAN

NEA/ARP:PMOLINEAUX

EB/IFD/OIA:DHSTEBBING

----- 109012

R 301446Z APR 75

FM SECSTATE WASHDC

TO AMEMBASSY MUSCAT

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E.O. 11652: N/A

TAGS: EFIN

SUBJECT: OPIC INVESTMENT INCENTIVE AGREEMENT

REF: (A) MUSCAT 232; (B) CAIRO 2116; (C) STATE 43638

1. CHANGES TO DRAFT AGREEMENT TEXT PROPOSED BY OMAN MFA AND REPORTED REF (A) ARE UNACCEPTABLE FOR REASONS STATED REFS (A) AND (B).

2. IF OMANI CONCERN ON PARA. 3 IS THAT IT NOT LOSE RIGHT TO ASSERT DEFENSE OF INVESTOR NON-PERFORMANCE, EMBASSY SHOULD POINT OUT THAT SECOND SENTENCE OF PARA. 3 IN USG DRAFT IS DESIGNED TO COVER THIS. OMANI CLAUSE TRANSLATED "WHEN THE INVESTOR HAS COMPLETED ITS FUNCTION" COULD CLOUD OPIC STATUS AS SUBROGATED INSURER AND IS NOT NECESSARY TO PROTECT OMANI INTERESTS.

3. IF FOREGOING DOES NOT SATISFY OMANI CONCERN AND IF IT
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APPEARS MFA WILL WITHDRAW REQUEST FOR CHANGE IN PARA. 5,

EMBASSY IS AUTHORIZED TO PROPOSE INSERTING FOLLOWING
AT END OF SECOND SENTENCE OF PARA. 3: "AND SHALL BE SUBJECT
TO LEGAL DEFENSES ASSERTABLE AGAINST THE TRANSFERRING
INVESTOR TO THE SAME EXTENT AS A TRANSFEREE THAT IS A
PRIVATE ENTITY." FINAL SENTENCE OF PARA. 3 SHOULD BE AS
STATED IN A-9461 OF SEPT. 19, 1972:

"THE ISSUING GOVERNMENT DOES, HOWEVER, RESERVE ITS RIGHTS
TO ASSERT A CLAIM IN ITS SOVEREIGN CAPACITY UNDER INTER-
NATIONAL LAW." DECONTROL 4/16/76. KISSINGER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: FOREIGN INVESTMENT, AGREEMENTS
Control Number: n/a
Copy: SINGLE
Draft Date: 30 APR 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: GarlanWA
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975STATE100252
Document Source: CORE
Document Unique ID: 00
Drafter: CHUNT
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750152-0556
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t1975043/aaaaaccl.tel
Line Count: 72
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN OPIC
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 75 MUSCAT 232, 75 CAIRO 2116, 75 STATE 43638
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Review Authority: GarlanWA
Review Comment: n/a
Review Content Flags:
Review Date: 01 AUG 2003
Review Event:
Review Exemptions: n/a
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Margaret P. Grafeld
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Type: TE
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